

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Police – Payment of salary to Sri Mirza Osman Baig SI of Police (Retd) for the period from 27.06.2005 to 30.06.2006 i.e., from the date of punishment of compulsory retirement to the date of superannuation – Permission – Accorded – Orders – Issued.

HOME (SERVICES – II) DEPARTMENT

G.O.Rt.No. 594

Dated:14.05.2014

Read :

From the DGP, AP, Hyderabad, Lr.Rc.No.2124/Appeal-2/2010,
Dated: 03-07-2010.

ORDER:

In the letter read above, the Director General of Police, Andhra Pradesh, Hyderabad, has informed that the Commissioner of Police, Hyderabad has stated that Sri Mirza Osman Baig SI of Police while working at Bowenpally PS and S.M.Shahabuddin SI of Hyderabad Airport, were placed under suspension vide his office D.O.No.2035 and 2036 dated: 6-6-1992 respectively for the following charge;

“for demanding and accepting illegal gratification of Rs.150/- and 200/- for releasing accused persons viz Sri Natrajan and Smt Laxmi in Cr.No.68/92 u/s 325 IPC of Marredpally PS”

2. He has further stated that an Inquiry was ordered against both the SIs under old CCA rules vide his office proceedings dated: 14-7-1992 by appointing the Asst. Commissioner of Police, Mirchowk Division as Inquiring Authority who framed the charges under old APCS (CC&A) Rules 1964 vide his memo dated:5-10-1992. While the inquiry was in progress Sri S.M. Shahabudin SI, retired from service on attaining the age of superannuation on 30-6-1993. The then Commissioner of Police, Hyderabad, taking a lenient view, dropped further action against Sri S.M. Shahabuddin treating the suspension period as “on duty”.

3. The other delinquent Sri Mirza Osman Baig filed O.A. No.7596/92 in the APAT challenging his suspension order and the APAT in its order dated: 11-8-1993, issued directions for his reinstatement. Accordingly he was reinstated into service pending oral inquiry against him. The Inquiring Authority conducted the inquiry by giving reasonable opportunity to the charged officer and submitted his inquiry report holding the charge as “Proved”. A copy of inquiry report was supplied to the charged SI, calling his further representation. Having received the same by the charged SI submitted his further representation dated: 30-12-2003. The records were sent to Government with a request to refer the case to Vigilance Commission for advice. The Government, after consultation with APVC, has issued orders to consider for imposing the punishment of Compulsory retirement to Charged SI Sri Mirza Osman Baig, vide memo.No.932/SC-A3/2004-1 dated: 24-1-2005. Accordingly the charged SI was awarded with the punishment of “Compulsory retirement from service” treating the suspension period w.e.f. 06-06-1992 to 02-09-1993 as “Not on duty” vide his office D.O.No.1805, dated: 27-6-2005.

4. Aggrieved by the above punishment the said SI has preferred an appeal to the Director General of Police, Andhra Pradesh, Hyderabad, against the punishment which was rejected, vide proceeding T.Dis.No.640/Appeal-2/2005, dated: 14-10-2005.

(PTO)

5. Later, the said SI submitted a mercy petition to the Government requesting for cancellation of orders of compulsory retirement. Meantime, the Ex.SI also filed an O.A.No.7071/05 in the APAT and the Hon'ble APAT has passed orders dated: 23-6-2009 observing that the impugned orders have been issued under the influence of the Vigilance Commission recommendations and the Government memo dated: 24-1-2005 which clearly goes to show that the disciplinary authority has not acted independently and the impugned orders are set aside. Further, the Hon'ble APAT issued directions to the disciplinary authority to pass appropriate orders by taking into account the explanation of the applicant within a period of eight weeks from the date of receipt of this order uninfluenced by any authorities orders.

6. The Commissioner of Police, Hyderabad, has stated that as per the orders of the Hon'ble APAT, the case was reviewed by Commissioner of Police, Hyderabad, and the order of Compulsory retirement was modified to that of RTSP by one stage for one year without effect by his office D.O.No.2745 dated: 29-8-2009 duly mentioning that, these orders deemed to have been commenced w.e.f. 27-6-2005 (i.e. from the date of issue of earlier orders) and the charged officer is deemed to have been allowed to retire from service with effect from 30-6-2006 A.N on attaining the age of superannuation of pension under Rule 33 of A.P. Revised Pension Rules. The suspension period i.e. from 06-06-92 to 02-09-1993 was treated as 'not on duty'. Accordingly, bill for claiming regulation of Pay for the period from 27-6-2005 to 30-6-2006 was submitted to PAO for passing the same. But the bill was returned with the objection that "Government order may be obtained to admit the claim".

7. Government, after careful examination of the matter with reference to records made available, hereby accord permission for payment of salary to Sri Mirza Osman Baig SI of Police (Retd) for the period from 27.06.2005 to 30.06.2006 i.e., from the date of punishment of compulsory retirement to the date of attaining the age of superannuation as the punishment of "Compulsory retirement from service" was since modified to that of "RTSP by one stage for one year without effect on future increments".

8. The Director General of Police, Andhra Pradesh, Hyderabad, is requested to take necessary action accordingly in the matter.

9. The records received through the letter read above are returned herewith and the DGP is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.P.DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad.
(with records)
Copy to:
The Individual concerned (through the DGP, AP, Hyderabad)
SF/SC

// FORWARDED :: BY ORDER//

SECTION OFFICER